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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,773	09/30/2003	Fabio M. Gava	66329/31337	6259
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TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER	
			IWARE, OLUSEYE	
			ART UNIT	PAPER NUMBER
			3687	
			NOTIFICATION DATE	DELIVERY MODE
			09/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
mary.eme@tuckerellis.com

Office Action Summary

Application No.

10/675,773

Applicant(s)

GAVA, FABIO M.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15,17-22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15,17-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the request for continued examination received on July 21, 2008. This is a First Office Action Non-Final rejection on the merits. Amendments to claims 1, 8, 15 and 22 have been entered. Claims 2, 9, 16 and 23 have been cancelled. Claims 2, 9, 16 and 23 have been cancelled. The remaining claims are currently pending and have been considered below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 28, 2008 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3 – 8, 10 – 15, 17 – 22 and 24 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (2002/0147668) in view of Aikens (6,216,113).

As per claims 1, 8, 15 and 22, Smith discloses a system, method, computer-readable medium and computer-implemented method for automated accounting of document generating device usage (computer-based resource management systems) comprising:

Means adapted for acquiring usage data representative of usage of a document generating device ([abstract]); The other layer comprises allocation accounts that represent categories of transactions such as "materials," "labor," "facilities," and "insurance." The user uses these virtual accounts in conjunction with actual accounts to track the user's transactions in real time) in accordance with a selected one of a plurality of user accounts (managing the resources of a job-based business through real-time allocation of the resources among a set of user-defined virtual spending accounts) wherein the usage data includes at least one of:

copier usage data in accordance with each of the plurality of user accounts ([abstract]; the job accounts represent various jobs or projects and are each designated by an envelope icon and a job number, which is construed as copier usage data);

print usage data ([0039] Examples of output means 38 include a monitor, a printer) in accordance with each of the plurality of user accounts ([0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed.);

facsimile usage data ([0012] transactions can be reconciled and various documents such as job quotes, purchase orders, and time sheets can be transmitted remotely by fax or by other electronic means.) in accordance with each of the plurality of user accounts [0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed; and

scanning usage data (the inputs 40 may be received by an entity 14 in hard copy form by the user 10 who then may input the received information using, for example, a scanner and scanning software or by manually typing in the information) in accordance with each of the plurality of user accounts [0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed.

means adapted for locally storing accumulated usage data from each of a plurality of document generating device operations (fig. 1c depicts storage means and

[0044] discusses application program or module 42 may reside in various storage areas within a computer-based environment 11 along with other program modules such as an operating system, one or more application programs, other program modules, and program data);

means for locally storing received report data (fig. 1c depicts storage means)
a timer (fig. 5o depicts time data); and

reporting means adapted for periodically outputting, via the data network the usage data in accordance with the report data and the timer ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period).

However, Smith fails to explicitly disclose, data representative of a number of copies made, representative of a number of prints made, representative of a number of facsimile transmissions made and representative of a number of scanning images made, receiving a reset signal from the associated accounting administrator via the data network representative of a reset of at least a portion of accumulated usage data; and resetting locally stored accumulated usage data to a previous state upon receipt of a reset signal and an associated accounting administrator.

Aikens teaches an auditron access printer, with the feature of data representative of a number of copies made, representative of a number of prints made, representative of a number of facsimile transmissions made and representative of a number of

scanning images made (col. 4, lines 59 – 60; there are designations for a number of copies and number of pages as illustrated at 122 and 124, which can be construed for prints, facsimiles and scans)

receiving a reset signal from the associated accounting administrator via the data network ([abstract] discusses an accounting administrator) representative of a reset of at least a portion of accumulated usage data; and resetting locally stored accumulated usage data to a previous state upon receipt of a reset signal (fig. 4, item 120 depicts a print & delete, in which the internal print queue is reset in order to allow other jobs to be processed. [abstract] also discloses memory which must be reset in order to function); and an associated accounting administrator ([0012] fig. 1, item 18 depicts a network administrator).

From this teaching of Aikens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for job-based accounting of Smith to include the data representative of the number of copies, prints, facsimiles and scans, receiving a reset signal representative of a reset of at least a portion of accumulated usage data and resetting accumulated usage data to a previous state upon receipt of a reset signal and an accounting administrator taught by Aikens in order to account for the output. Furthermore, all the claims elements were known in the prior arts and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

As per claims 3, 10, 17 and 24, Smith discloses, wherein the reporting means includes means adapted for outputting the usage data to an associated accounting administrator via at least one of electronic mail transmission, facsimile transmission, FTP transmission, and HTML transmission ([0045] For example, the inputs 40 may be input by either a user 10 or a connected entity 14 who sends it electronically to the user 10 via fax, e-mail, Internet web sites (e.g., by filling out and uploading an electronic form provided by a web site) or other electronic means).

As per claims 4, 11, 18 and 25, Smith discloses, wherein the reporting means includes means adapted for outputting the usage data to at least one of an electronic mail server, a document management system, an image generating device, and an Internet server ([0045] The outputs 44 may also be generated electronically, in hard copy format, or both).

As per claims 5, 12, 19 and 26, Smith discloses, wherein the document generating device includes a scanning device ([0039] Input means 34 may include a keyboard, a pointing device (e.g., a mouse, touch pad, track ball, joystick, or stylus), a microphone, scanner, or the like), a printing device ([0039] Examples of output means 38 include a monitor, a printer, a plotter, a fax, and speakers), a facsimile device, and a

multifunctional peripheral (Input means 34 may include a keyboard, a pointing device (e.g., a mouse, touch pad, track ball, joystick, or stylus), a microphone).

However Smith fails to explicitly disclose a copying device.

Aikens teaches an auditron access printer, which is a copying device (col. 2, lines 19 – 21; Multimedia system 2 can be implemented using a variety of hardware platforms and includes devices for input including scanner or digital copier 5)

From this teaching of Aikens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for job-based accounting of Smith to include the copying device taught by Aikens in order to enhance the service.

As per claims 6, 13, 20 and 27, Smith discloses, wherein the reporting means further includes means adapted for selecting parameters for periodically outputting the usage data ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period).

As per claims 7, 14, 21 and 28, Smith discloses, wherein the means adapted for selecting parameters for periodically outputting usage data include selecting at least one of data reporting period ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period),

user accounts to be reported ([abstract] allocation of the resources among a set of user-defined virtual spending accounts),

format of output ([0045] The outputs 44 may also be generated electronically, in hard copy format, or both),

transmission type ([abstract] The user may also use the present invention to create and remotely transmit purchase orders and invoices, keep a record of employees, enter employee time sheets, process payroll, and allocate and reconcile incoming and outgoing transactions between the various virtual accounts),

destination of output ([0010] allows the user to create purchase orders and invoices, keep a record of employees, enter employee time sheets, process payroll, and allocate and reconcile incoming and outgoing transactions between the various accounts),

and usage data included ([0009] the user establishes a limit representing a spending limit for each envelope or virtual spending account) ([0011] the user can also set certain transactions to debit or credit various accounts "automatically" at regular intervals of time or upon the happening of a certain event such as an on-line account reconciliation).

Response to Arguments

4. Applicant's arguments filed July 21, 2008, have been fully considered but they are not persuasive.

Applicant argues "The subject application teaches a system and method wherein document processing job accounting information is stored on individual devices, such as a copier, printer, facsimile machine or multifunction peripheral. An administrator sets a time when the particular device will automatically report or push its accounting information. An administrator suitably sets reporting intervals. The administrator is also enabled for clearing all or some of the data from the individual devices which allows for clearing of information once the administrator has determined that all needed information has been retrieved. The subject teachings advantageously allow for accumulation of usage information on each of a plurality of networked devices. Reporting times are set by an administrator, and are advantageously set to accomplish benefits of staggered network congestion, timing to avoid peak device usage periods, and the like. This is far removed from the data operation initiated by an administrative application such as disclosed by Smith.

Aikins is directed to an auditron and is cited as disclosing data representative of copies, prints or facsimiles made. However, Aikins is directed to a system that accumulates information locally or pushes it directly to another terminal as it is obtained. Thus, Aikins teaches a system that suffers from the problems addressed by the teachings of the subject application."

However, the two references in combination are understood to meet the applicant's invention. In the abstract of Aikens, it discusses "a network administrator includes a memory for storing data representing usage of selected printers" Figure 3, item 110 also depicts a communication channel client / server manager. Furthermore, in Smith, it discloses a device which can be used by an administrator to serve this function of monitoring document activity.

In paragraph [0058] of smith, it also discloses "some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period"

The functionality of an administrator is further met by the Aikens reference. Col. 3, lines 16 – 35 discuss the functionality of the network administrator and discusses

access to files storage along with other administrator functions. Therefore, the Examiner respectfully disagrees.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

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